

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed November 4, 2004. At the time of the Final Office Action, Claims 1, 2, 4, 6-9, and 21-23 were pending in this Application. Claims 10-20 were previously cancelled due to an election/restriction requirement. Claims 2, 3, 5, 6, 22 and 23 have been canceled by Applicants without prejudice or disclaimer. Claims 1, 2, 4, 6-9, and 21-23 were rejected. Applicants amend independent Claims 1 and 21 and respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §112

Claims 1, 2, 4, 6-9, and 21 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have canceled Claims 2 and 6. Applicants amend independent Claims 1 and 21 and provide remarks to overcome these rejections and respectfully request full allowance of Claims 1, 4, 7-9 and 21 as amended.

Rejections under 35 U.S.C. §102

Claims 1, 2, 4, 6, 9, and 21-23 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by International Patent WO 00/63980 filed by Rudolf Heinz ("Heinz"). Applicants respectfully traverse and submit that Heinz does not anticipate said claims. The Applicants have, however, amended independent Claims 1 and 21 to more distinctly claim an embodiment of the invention. Independent Claims 1 and 21 have been amended to include an embodiment of the invention wherein the single structural component (comprising the contacting elements) includes a contacting zone for contacting a static base portion of the piezoelectric component stack. This connection point is one wherein almost no movement occurs during the dynamic operation of the piezoelectric component, *e.g.*, stack. This leads to a heretofore unknown mechanically unstressed connection. (See page 11, last paragraph of the specification.) The Examiner's attention is directed to Figure 2 of the specification illustrating a contacting zone contacting a static base portion of the stack and illustrating the contacting of connecting element 19 in the same area of the single structured

component. A review of Heinz reveals that Heinz teaches only contacting actuator body 1 with several narrow elastic feet (6). This contacting does not provide for the mechanically superior system as now claimed in amended Claims 1 and 21. Moreover, Claim 1 has been amended to cover an embodiment of the invention wherein the single structured component is a “foil”. It is respectfully submitted that Heinz does not disclose a “foil”, but discloses a “plate” having a mass which is greater than the mass of the claimed foil and therefore, Heinz’s plate is not a flexible single structured foil component presently claimed. Thus, unlike Heinz, the presently claimed embodiment of the invention provides a highly flexible system to ensure a highly reliable contact with the piezoelectric component.

Rejections under 35 U.S.C. §103

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Heinz in view of U.S. Patent 6,104,129 issued to Yasuhiro Okamoto (“Okamoto”). Applicants respectfully traverse and submit for the same reasons noted above in relation to Heinz Claims 7 and 8 are non-obvious over the art of record.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Here, the combination of Heinz with Okamoto et al, which Applicants do not concede is proper, does not teach or suggest the claimed embodiment of the invention. Neither Heinz nor Okamoto et al. teach or suggest the claimed “contacting zone” of the single structured component to provide a superior reliable contacting system.

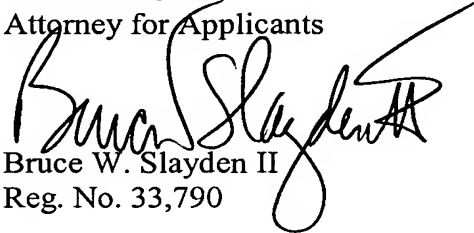
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants enclose a check in the amount of \$790.00 for the RCE fee required under 37 C.F.R. 1.17(e). Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
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